## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION

MARY NELSON and OTIS NELSON,	)
Plaintiffs,	)
v.	) ) CIVIL ACTION NO. CV-2012-CO-1965-W
NATIONWIDE PROPERTY &	) CIVIL ACTION NO. CV-2012-CO-1903-W
CASUALTY INSURANCE COMPANY,	ý .
et al.	)
Defendants.	)

## OPPOSITION TO MOTION OF PLAINTIFF TO AMEND SCHEDULING ORDER

COMES NOW the Defendant and hereby requests that the Court deny the Plaintiff's Motion To Amend Scheduling Order. In support of said motion, Defendant states as follows:

In order to amend the Scheduling Order the Plaintiffs have to provide a strong basis for doing so. Plaintiff fails.

On January 23, 2013, this Court issued a scheduling order stating that Plaintiffs had until June 1, 2013 to amend the pleadings. [Court Document No. 33] To date, all written discovery has been completed and all scheduled depositions have been completed. Plaintiffs' motion is silent as to why additional time is needed. In fact, apparently no additional time is needed as Plaintiffs filed a Third Amended Complaint on May 31, 2013. [Court Document No. 60]

Thus, Plaintiffs' motion is not well founded and is due to be denied.

/s/ Kori L. Clement
Kori L. Clement (CLEK5125)
Attorney for Defendant
Nationwide Property and
Casualty Company

OF COUNSEL:

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this the 5<sup>th</sup> day of June, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

W. Ivey Gilmore, Jr., Esquire Gilmore, Poole & Rowley, Attorneys At Law, LLC 1905 7<sup>th</sup> Street Tuscaloosa, Alabama 35401

Joe L. Leak, Esquire Joe L. Leak & Associates, P.C. 3800 Colonnade Parkway, Suite 330 Birmingham, Alabama 35243

Frank Cauthen, Jr., Esquire Frank M. Cauthen, Jr., P.C. 601 Greensboro Avenue Alston Place, Suite 1-A Tuscaloosa, Alabama 35401 I hereby certify that a copy of the above and foregoing document has been served upon counsel of record by placing a copy of same in the United States Mail, properly addressed and postage affixed, this the 5<sup>th</sup> day of June, 2013, as follows:

GBS Roofing and Restoration, LLC 5389 Highway 115 West Cleveland, Georgia 30528

Brian Kennedy 5389 Highway 115 West Cleveland, Georgia 30528

George Smith 5389 Highway 115 West Cleveland, Georgia 30528

/s/ Kori L. Clement
Of Counsel